

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00346-MR-WCM

VERONICA D. NEWKIRK,

Plaintiff,

v.

TROOPER CHRISTOPHER

COLTON WADE, *in his individual
and official capacities;*

TROOPERS JOHN DOES 1-2,

in their individual and official capacities;

COMMANDER GLENN M. MCNEIL JR.,

in his individual and official capacity;

NORTH CAROLINA

HIGHWAY PATROL;

SECRETARY EDDIE BUFFALOE, JR.,

in his individual and official capacity;

NORTH CAROLINA DEPARTMENT

OF PUBLIC SAFETY;

DEPUTIES JANE DOES 1-4,

in their individual and official capacities;

DETENTION CAPTAIN MICHAEL

MAUNEY, *in his individual*

and official capacity;

DETENTION MAJOR RODNEY FITCH,

in his individual and official capacity;

SHERIFF ALAN NORMAN,

in his individual and official capacity;

and

LIBERTY MUTUAL INSURANCE

COMPANY,

Defendants.

ORDER

This matter is before the Court on the following *pro se* filings by Plaintiff:

1. “Motion to Vacate Parts of Order #40” (the “Motion to Vacate,” Doc. 47); and
2. “Motion to Permit Plaintiff Access for Filing Purposes to the Case Management/Electronic Case Files (CM/ECF) System” (the “Motion to E-File,” Doc. 48).

I. The Motion to Vacate¹

Plaintiff requests that the Court vacate that portion of its May 1, 2024 Order that denied Plaintiff’s prior request for additional time to respond to Motions to Dismiss that have been filed by Defendants, and “requests that Response #42 and #44 be the response of record....” Doc. 47 at 4.

However, while the Court declined to strike Plaintiff’s initial responses (Docs. 34, 35) to the Motions to Dismiss, it advised that her subsequent responses (Docs. 42, 44) will be considered as supplemental responses to those Motions.

Additionally, Plaintiff asks the Court to vacate that portion of the May 1, 2024 Order that denied her request for additional time to retain new counsel. Plaintiff is welcome to continue to search for new counsel but the undersigned is not persuaded that this matter should be delayed further while she does so.

¹ The Court construes this Motion as being a request to reconsider portions of its prior ruling.

When Plaintiff's prior counsel filed her Motion to Withdraw on February 14, 2024, she asked that Plaintiff be given 45 days to find substitute counsel.² Plaintiff was later given to and including March 25, 2024 to retain new counsel. Doc. 28. No substitute counsel appeared for her by that date, and none has appeared since.

II. The Motion to E-File

This Court's Administrative Procedures Governing Filing and Service by Electronic Means ("Administrative Procedures") provide that "parties proceeding pro se may request in writing - solely for the purpose of the action - to receive notice via e-mail whenever a pleading or other paper is filed electronically in accordance with these procedures." Administrative Procedures, revised January 1, 2018, available on the Court's website.

Plaintiff has requested such notice. Doc. 49.

However, the Administrative Procedures also state that "[p]arties proceeding pro se shall not file electronically." Id. While exceptions can be made in specific cases, the undersigned is not persuaded that such a deviation is warranted here.

² Forty-five days from February 14, 2024 was March 30, 2024.

IT IS THEREFORE ORDERED THAT:

- 1 The Motion to Vacate Parts of Order #40 (Doc. 47) is **DENIED**.
- 2 The Motion to Permit Plaintiff Access for Filing Purposes to the Case Management/Electronic Case Files (CM/ECF) System (Doc. 48) is **DENIED**.

Signed: May 17, 2024

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

